

PHILLIP A. TALBERT  
United States Attorney  
PETE K. THOMPSON, HI 5890  
Acting Regional Chief Counsel, Region IX  
Social Security Administration  
ELLINOR R. CODER, CA 258258  
Special Assistant United States Attorney  
160 Spear Street, Suite 800  
San Francisco, California 94105  
Telephone: (510) 970-4814  
Facsimile: (415) 744-0134  
E-Mail: Ellinor.Coder@ssa.gov  
Attorneys for Defendant

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
**SACRAMENTO DIVISION**

MARC SCHNEIDER,	)	Case No.: 2:21-cv-01725-KJM-DMC
	)	
Plaintiff,	)	<i>NUNC PRO TUNC</i> MOTION AND ORDER
	)	FOR AN EXTENSION OF TIME
vs.	)	
KILOLO KIJAKAZI,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

Defendant respectfully moves the Court for an extension to respond to Plaintiff's Motion for Summary Judgment (Doc. 13) by six days, to July 7, 2022. This is the first request to move Defendant's deadline; however, this case was previously stayed per General Order 615.

Defendant acknowledges that this motion and attendant filing comes after the deadline of July 1, 2022 per the Court's Scheduling Order (Doc. 11). The undersigned apologizes to Plaintiff and the Court for this error. The undersigned prepared Defendant's brief prior to the deadline, but neglected to draft the Table of Authorities and file the brief timely while attending to other deadlines on June 30, 2022 and July 5, 2022. The undersigned realized this error in the course of filing another merits brief on July 6, 2022. The undersigned immediately drafted an e-

1 mail message to Plaintiff's counsel asking for Plaintiff's stipulation to a short extension to  
2 correct this error, but due to malfunctions with Microsoft Outlook that the undersigned was  
3 attempted to resolve over the course of the evening, the message was not transmitted to  
4 Plaintiff's counsel until well after business hours on July 6th.

5 Defendant does not know Plaintiff's position on this motion. The undersigned was  
6 unable to reach Plaintiff's counsel by telephone on July 7th, and as of the time of filing has not  
7 received a response to her e-mail communication, presumably due to its late hour.

8 Given the overdue status of this brief, the undersigned filed the Commissioner's cross-  
9 motion for summary judgment and this motion seeking an extension *nunc pro tunc*. Again, the  
10 undersigned apologizes to Plaintiff and the Court for this administrative oversight, and  
11 respectfully requests a short extension to rectify it. This request is made in good faith and is not  
12 intended to delay the proceedings in this matter.

13 Respectfully submitted,

14 Dated: July 7, 2022

15 PHILLIP A. TALBERT  
16 United States Attorney  
17 PETER K. THOMPSON  
18 Acting Regional Chief Counsel, Region IX  
19 Social Security Administration

20 By: /s/ Ellinor R. Coder  
21 ELLINOR R. CODER  
22 Special Assistant U.S. Attorney  
23 Attorneys for Defendant

24 **ORDER**

25 For good cause shown, IT IS SO ORDERED that Defendant shall have an extension, up  
26 to and including July 11, 2022, to respond to Plaintiff's Motion for Summary Judgment.  
27 Defendant's cross-motion filed on July 7, 2022, is deemed timely.

28 Dated: July 8, 2022

  
DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE